

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of)
Town and Country Utilities Company for)
original wastewater certificate)
in Lee and Charlotte Counties, Florida.)
_____)

060602 - 50

MOTION FOR TEMPORARY RULE WAIVER

Town and Country Utilities Company (the Applicant), by and through its undersigned counsel and pursuant to Sections 120.542, Florida Statutes, moves this Commission for a temporary waiver of certain rule requirements, and in support thereof, states:

1. As set forth in its application for original wastewater certificate, the Applicant has requested that the Commission bifurcate the certification and initial rate making so that the Applicant may obtain its certificate expeditiously in order to proceed with its environmental permitting.

2. In order to accomplish the bifurcation, the Applicant requests a temporary waiver from the requirements of the following Rules:

25-30.033 (1) (k) - The original and two copies of tariffs.

25-30.033 (1) (t) - A cost study supporting proposed rates and changes.

25-30.033 (1) (u) - A schedule showing the projected cost of the system.

25-30.033 (1) (v) - A schedule showing projected operating expenses.

25-30.033 (1) (w) - A schedule showing the projected capital structure.

3. With Commission approval, the information required by the foregoing rules will be filed by the Applicant sufficiently in advance of providing service to allow the Commission time for evaluation for initial rate-setting.

4. The Applicant further requests a temporary waiver from the requirements of Rule 25-30.033(i)(j), which allows *inter alia* an Applicant to submit a contract for the purchase and sale of land upon which utility treatment facilities are or will be located, together with an unexecuted copy of the warranty deed. The specific location of the Applicant's wastewater facilities has not been determined since planning for those facilities has not been completed. Such facilities will be located within the proposed service area. The Applicant has provided as Exhibit "D" to its application a letter from the owner of record of the land on which the proposed service area is situated. That letter provides adequate assurance that said owner will either convey title to the Applicant to all land necessary for the wastewater treatment plant and appurtenant facilities, or enter into a long-term (99-year) lease with Applicant for such sites to ensure their continued availability for service. The Applicant requests that it be allowed to submit either an executed contract for the purchase and sale of the land, together with an unexecuted warranty deed, or an unexecuted long-term lease, for such plant sites, for the Commission's consideration, no later than the submittal of the information discussed in paragraph 2 hereinabove.

5. The Applicant further requests a temporary waiver from the requirements of Rule 25-30.033 (1)(h), which requires submittal of "the number of equivalent residential connections (ERCs) proposed to be served by meter size and customer class. If development will be in phases, separate this information by phase." The Applicant has provided planning parameters, including the land use types and dwelling unit count anticipated at this time, in paragraph H(3) of its application; the projected population to be served from 2010 through 2030 in paragraph H(4), and anticipated design capacities of the wastewater treatment plant through four (4) phases thereof in paragraph H(5). While master planning is currently underway, the Applicant is unable at this time to provide the number of ERCs by meter size and customer class. The Applicant will be able to provide such

additional data in conjunction with its submittal of the rate-setting information identified in paragraph 2 hereinabove.


6. The Applicant further requests a temporary waiver for the requirements of Rule 25-30.033(1)(o), which requires submittal of "a statement regarding the separate capacities of the proposed lines and treatment facilities in terms of ERCs and gallons per day. If development will be in phases, separate this information by phase." In its application, the Applicant has provided the anticipated capacity information for its treatment facilities by phase in terms of millions of gallons per day. Please see for example paragraph H(5) of the application. While master planning is currently underway, the Applicant is unable at this time to provide such data for its proposed lines, or treatment plant capacity information in terms of ERCs. The Applicant will be able to provide such additional data in conjunction with its submittal of the rate-setting information identified in paragraph 2 hereinabove.

7. Finally, the Applicant requests a temporary waiver from the requirements of Rule 25-30.033(1)(m), which requires within certain parameters a detailed system map showing the proposed lines, treatment facilities and the territory proposed to be served. While master planning is currently underway, the locations of such lines and facilities have not yet been determined. The Applicant will be able to provide a system map in compliance with the Commission's requirements no later than its submittal of the rate-setting information identified in paragraph 2 hereinabove.

WHEREFORE, Town and Country Utilities Company requests this Commission enter an Order temporarily waiving the requirements of Rules 25-30.033 (1), Fla. Admin. Code as set forth in the body of the motion.

Respectfully submitted this
11th day of September, 2006, by:

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